



RECEIVED

2004 SEP 20 PM 3:31

BellSouth Telecommunications, Inc

333 Commerce Street

Suite 2101

Nashville, TN 37201-3300

guy.hicks@bellsouth.com

Guy M. Hicks

General Counsel

615 214 6301

Fax 615 214 7406

TRA DOCKET ROOM
September 20, 2004

VIA HAND DELIVERY

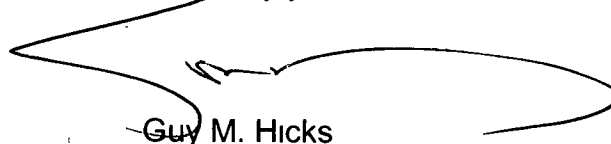
Hon. Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for
Telephone Service Providers*
Docket No. 00-00873

Dear Chairman Miller:

Enclosed are the original and fourteen copies of BellSouth's *Comments Regarding Proposed Changes to Rule 1220-4-2*. Copies of the enclosed are being provided to counsel of record.

Very truly yours,



Guy M. Hicks

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *In the Matter of Notice of Rulemaking Amendment of Regulations for Telephone Service Providers*

Docket No. 00-00873

COMMENTS OF BELL SOUTH TELECOMMUNICATIONS, INC.
REGARDING PROPOSED CHANGES TO RULE 1220-4-2

BellSouth Telecommunications, Inc. ("BellSouth") files these *Comments* regarding the changes proposed by Director Jones during the September 13, 2004 Agenda Conference, and respectfully shows the Tennessee Regulatory Authority ("Authority" or "TRA") as follows:

BellSouth has worked with the TRA Staff to reach an acceptable compromise regarding the TRA's initiative to require underlying carriers to provide service to end-users in the event of abandonment. BellSouth was willing to accept, without objection, the version of the rules proposed by the TRA Staff. BellSouth had originally raised concerns about the burden imposed on BellSouth as a result of such rules and the question of the constitutionality of requiring BellSouth to provide service to end-users who are not BellSouth's customers, particularly in circumstances in which BellSouth may face obstacles in obtaining payment for such services. In spite of these issues, however, the Staff's proposed draft was acceptable to BellSouth.

The changes suggested by Director Jones upset the delicate balance achieved through the Staff's efforts to review concerns by underlying carriers like BellSouth. BellSouth urges the Authority to adopt the rule in the form proposed by the Staff.

Specifically, BellSouth objects to the proposed changes in two areas:

1. Notice of the Authority. The revisions proposed by Director Jones will require substantial changes to BellSouth's processes. BellSouth generates a 30-day notice and a later

15-day notice regarding non-payment to CLECs. The earlier notice is generated by a mechanized process, which would require significant changes to also generate a notice to the Authority. Copying the Authority on the later 15-day notice, which is generated by a person, is more manageable.

BellSouth does not provide copies of the 30-day notice to commissions in any of its other eight states. If the Authority believes such copies would be useful, BellSouth suggests that the process in Mississippi is more workable. In that state, the CLEC is required to provide notice to the PSC within five days of receipt of notice from the ILEC and is required to provide the PSC an affidavit verifying that it will either pay the undisputed amount owed five days prior to the disconnect date or that it will notify its customers twenty days prior to disconnect.

2. Deletion of Language Clarifying that BellSouth is not Required to Continue Providing Service After 7 Days. Paragraph 5(a)(2) in the Staff's proposed draft was deleted in Director Jones' revisions. This language is critical to clarify that BellSouth's obligation to provide service concludes at that 7-day point. Without the certainty provided by that clarifying language, BellSouth would be forced to object to the rule on the grounds that it unconstitutionally requires BellSouth to provide service without assurance of payment to parties who are not BellSouth customers.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: _____
Guy M. Hicks
Joelle J. Phillips
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300
615/214-6301

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2004, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Martha M. Ross-Bain, Esquire
AT&T
1200 Peachtree Street, Suite 8100
Atlanta, Georgia 30309

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Ed Phillips, Esq.
United Telephone - Southeast
14111 Capitol Blvd.
Wake Forest, NC 27587

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Dana Shaffer, Esquire
XO Communications, Inc.
105 Malloy Street, #100
Nashville, TN 37201

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

De O'Roark, Esquire
MCI Worldcom, Inc.
Six Concourse Pkwy, #3200
Atlanta, GA 30328

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Henry Walker, Esquire
Boult, Cummings, et al.
P. O. Box 198062
Nashville, TN 37219-8062

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

John B. Adams
Citizens Communications
250 S. Franklin St.
Cookeville, TN 38501

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Bruce H. Mottern
TDS Telecom
P. O. Box 22995
Knoxville, TN 37933-0995

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

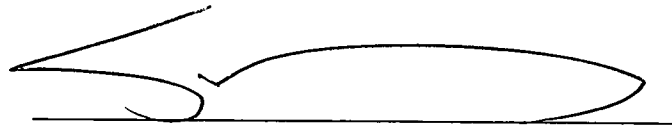
☐ Hand
☒ Mail
☐ Facsimile
☐ Overnight

Charles B. Welch, Esquire
Farris, Mathews, et al.
618 Church St., #300
Nashville, TN 37219

Timothy Phillips, Esquire
Office of Tennessee Attorney General
P. O. Box 20207
Nashville, Tennessee 37202

Andrew O. Isar, Esquire
ASCENT
7901 Skansie Ave., #240
Gig Harbor, WA 98335

Dale Grimes, Esquire
Bass, Berry & Sims, PLC
315 Deaderick Street, Suite 2700
Nashville, Tennessee 37238-3001

A handwritten signature in black ink, appearing to read 'Dale Grimes', is written over a horizontal line.